

## CITY OF LYNN

### Regular City Council Meeting – June 28, 2016 Council President Daniel F. Cahill, Presiding

**Eleven Councillors Present**

**Moment of Silence.** Council President Cahill asked that Thomas J. Cahill be remembered. Councilor LaPierre asked that Ron Leary and Phil Germano also be remembered.

**Pledge of Allegiance**

**Motion made by Councilor Colucci and seconded by Councilor Walsh to accept the Meeting Minutes of June 14, 2016.**

**Motion carried.**

## **COMMUNICATIONS:**

### **Communication from Her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Mr. James Tidmarsh, 23 Allison Way 01904 to the Lynn Historical Commission. Mr. Tidmarsh's appointment is effective immediately and will expire on June 14, 2019.

Sincerely, Judith Flanagan Kennedy, Mayor

**Motion made by Councilor Barton and seconded by Councilor Trahan to appoint James Tidmarsh, 23 Allison Way, Lynn, to the Lynn Historical Commission, effective immediately and will expire on June 14, 2019.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

### **Communication from her Honor the Mayor:**

Dear Councilors:

I am hereby appointing Ms. Erin LeColst, 18 Belliveau Drive 01904, to the Lynn Historical Commission. Ms. LeColst's appointment is effective immediately and will expire on June 14, 2019.

Sincerely, Judith Flanagan Kennedy, Mayor

**Motion made by Councilor Barton and seconded by Councilor Trahan to appoint Erin LeColst, 18 Belliveau Drive, Lynn, to the Lynn Historical Commission, effective immediately and will expire on June 14, 2019.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

## **PUBLIC HEARINGS:**

### **Continued Hearings from June 14, 2016 Meeting:**

Public Hearing on the proposed FY 17 City of Lynn Budget.

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

**Motion made by Councilor Cyr and seconded by Councilor Barton to grant.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of McGrath Realty Trust, Patrick J. McGrath, for permission to construct four (4) single family Row Houses in a Light Industrial District at 691.

The following appeared in Favor:

Attorney Paul Keating

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councilor Walsh and seconded by Councilor Colucci to grant the prayer of the Petitioner.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councilor Trahan voting PRESENT).**

Petition of Family Corner Grocery & Multi-Service, Jose Tineo for permission for the sale of Wine and Malt at an existing convenience store at 624 Boston Street.

The following appeared in Favor:

Jose Tineo, Owner

Julio Barez, Wilfred Street, Lynn

Resident at 32 Laurel Street, Lynn

Frances Martinez, NSLBA

The following appeared in Opposition:

Chris Reynolds, on Behalf of 522 Boston Street

Public Hearing Closed.

**Motion made by Councilor Walsh and seconded by Councilor Trahan to grant the prayer of the Petitioner.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Continuation of Public Hearing on Proposed Ordinance to Amend the Zone Ordinance to Establish a Medical Marijuana Overlay District in the City of Lynn.

No one appeared in Favor.

No one appeared in Opposition.

Council President Cahill stated that the Council received a letter from the Chambers of Commerce asking that the City Council allow any business or property owner that wants to be considered as a Medical Marijuana Dispensaries (MMD) location in accordance with the zoning ordinance to have the right to submit a petition for consideration.

**Motion made by Councilor Capano and seconded by Councilor Walsh to request the Law Department to draft amendments to the Ordinance Amending the Zone Ordinance Establishing a Medical Marijuana Overlay District in the City of Lynn.**

**Said amendments shall include the following: Medical Marijuana Dispensaries would be permitted at any property where business is permitted in the City of Lynn; The number of Medical Marijuana Dispensaries shall be limited to one and said special permit shall be for one year in duration; and No income generated by a Host Agreement between the City of Lynn and an Operator of a Medical Marijuana Dispensary shall be used to pay or compensate any one individual.**

**Motion carried by the following ye and nay vote:**

**9 YES 0 NO (Councilor Chakoutis absent at vote; Councilor Cyr voting NO).**

**Motion made by Councilor Capano and seconded by Councilor Walsh to continue the Hearing to a Special City Council Meeting on July 5, 2016.**

**Motion carried.**

Central Square Artist Tents, Francisco Meneses - 30 Day Review:

Petition of Central Square Artist Tents, Francisco Meneses, to allow use of Artist Tents, sidewalk and parking areas/driveway on Saturday and/or Sunday with no Flea Market. (Granted with a 30/60/90 day review on April 26, 2016 with stipulation NO Flea Markets Allowed)

**Motion made by Councilor Chakoutis and seconded by Councilor Walsh to continue to another 30 Days.**

**Motion carried by the following ye and nay vote:**

**11 YES 0 NO**

Public Hearing on the Proposed Ordinance Modernizing and Reorganizing the Office of the City Clerk.

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

**Councillor Cyr attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a Proposed Ordinance Modernizing and Reorganizing the Office of the City Clerk.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

Public Hearing on a Home Rule Petition Amending Certain Provisions of the Lynn City Charter to Modernize and Improve Elections in the City of Lynn.

No one spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a Home Rule Petition Amending Certain Provisions of the Lynn City Charter to modernize and Improve Elections in the City of Lynn.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**11 YES 0 NO**

**Emergency Order was then adopted by the following yea and nay vote:**

**11 YES 0 NO**

### **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of National Grid, Chris Radzik, for permission to replace utility sidewalk box handhole HH-4 on Portland Street and install approximately 5' +/- of 1-3" conduit to the customer handhole to provide an upgrade service to residential home.

-Petition of National Grid, Chris Radzik, for permission to replace damaged utility sidewalk box handhole HH-6 on Rogers Avenue and install approximately 5' +/- of 1-3" conduit to the customer handhole to provide an upgrade service to residential home.

**Motion made by Councilor Colucci and seconded by Councilor Cyr to set down for Public Hearings.**

**Motion carried.**

## **COMMITTEE REPORTS:**

### **Report of the June 28, 2016 Committee of the Whole recommending the following to be accepted:**

Discussion re: FY'2017 Budget Hearings  
OTHER BUSINESS  
**REPORT ACCEPTED.**

### **Report of the June 28, 2016 Committee on Public Safety recommending the following to be accepted:**

Discussion re: The Ordinance Prohibiting the Operation of Any Motorized Scooter, Skateboard, or Other Motorized Vehicle on Any Public Way and Sidewalk in the City of Lynn.  
OTHER BUSINESS  
**REPORT ACCEPTED.**

### **Report of the June 28, 2016 Committee on Licensing recommending the following to be accepted:**

#### **TAXI OPERATORS (NEW)**

Errico, Christopher J., 22 Warren St. #13- **DENIED**  
Figueroa-Cuevas, Delson, 63 Collins St. #1- **Granted**  
Hierro Cortoreal, Antonio, 17 Bowditch St., Peabody, MA 01960- **Granted**  
Nieves-Rodriguez, Christian, 14 Mt. Vernon St. #42- **DENIED**  
Nova, Felix, 158 Chatham St. #3- **Granted**  
Rojas, Merilio, 16 Newhall St. #46- **Granted**  
Toribio, Luis F., 2 Park St. #2, Salem, MA- **Granted**

#### **TAXI OPERATORS (30 DAY REVIEW)**

De La Cruz, Wilfredo, 25 Arlington St. #3- **Granted**  
Lewis, Michael, 68A Sagamore St. #1- **Granted**  
Santos, Francisco, 25 Rogers Ave. - **Granted**

#### **TAXI OPERATORS (60 DAY REVIEW)**

Laurino, Matthew, 19 Hancock St. - **Granted**

#### **LIVERY SERVICE LICENSE**

Tom's Car Service, 182 Alley St. - **Granted**

#### **SIGN LICENSE-RENEWAL**

18b Alley St., Caribbean Auto Body & Mechanic Inc. - **Granted**  
122 Boston St., Boston St. Shell 04037- **Granted**  
337 Boston St., One Stop Mart- **Granted**  
73 Buffum St., Lucky Strike Rec. - **Granted**  
102 Central Ave, Plasti-Graphics/The Sign Store- **Granted**  
1 Central Square, Dunkin Donuts- **Granted**

250 Chatham St., Benjy's Convenience Store- **Granted**  
 451 Chestnut St., EZ Shop- **Granted**  
 518 Chestnut St., Mr. Specs Opticians- **Granted**  
 546 Chestnut St., Kim's Barbershop- **Granted**  
 105 Commercial St., Commercial Market- **Granted**  
 16 Cottage St., Lolly's Bakery- **Granted**  
 423 Eastern Ave., Norms Variety- **Granted**  
 50 Essex St., Bei Jing Restaurant- **Granted**  
 61A Essex St., Pizza Lovers- **Granted**  
 135 Essex St., Neves Karate Academy- **Granted**  
 197 Essex St., Merengue Market- **Granted**  
 200 Essex St., Lincoln Market- **Granted**  
 65 Exchange St., Junction Deli- **Granted**  
 143 Franklin St., New England Laundromat- **Granted**  
 60 Granite St., Bayridge Hospital- **Granted**  
 70 Granite St., Zea III Realty Trust- **Granted**  
 535 Lynnway, Lynnway Shell #04032- **Granted**  
 16 Market St., Taqueria Mexico Lindo Corp. - **Granted**  
 42 Market St., Dunkin Donuts- **Granted**  
 95 Munroe St., Beden Hardware- **Granted**  
 201 No Common St., America Food Basket- **Granted**  
 358 Summer St., Commercial St. Auto- **Granted**  
 408 Summer St., El Pugarcito Inc- **Granted**  
 53 Union St., Enjoy Liquors & food Market- **Granted**  
 189 Union St., Blanquitas Restaurant- **Granted**  
 294 Union St., Beauty Supply Supermarket- **Granted**  
 333 Union St., Ministerios Vision Cristina - **Granted**  
 510 Washington St., Michael Russo Plumbing, Co. - **Granted**  
 813 Western Ave., DXT Convenience Store- **Granted**  
 873 Western Ave., Jimmy's Discount Liquor- **Granted**  
 884 Western Ave., D'Classico Barbershop. - **Granted**  
**AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**  
 35 Alley St. – Global Auto Body- **Granted**  
 475R Lynnway – Barrera & Son's Auto Body & Repair- **Granted**  
**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**  
 15 Avon St. – John's Fuel Service, Inc. - **Granted**  
 101 Central Ave. – Los "V" Tires Corporation- **Granted**  
 100 Ford St. – San Marcos Auto Repair, Inc. - **Granted**

**OTHER BUSINESS:**

**DISCUSSION- BOSTON STREET BUSINESSES**

Discussion with representatives from Dunkin Donuts, Burger King and McDonalds. They stated that it costs \$45.00 a week to have someone clean up the area on Boston Street. Councilors Cyr thank them for stepping up and assisting in this clean-up. Councilors Cyr, Trahan, Chakoutis and LaPierre stated that would donate \$45.00 towards the clean-up costs. Councilor Cyr stated that he would contact ISD regarding the Car Wash property.

**REPORT ACCEPTED.**

**Report of the June 28, 2016 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:

Transfer the sum of Fifteen Thousand Six Hundred Dollars and Zero Cents (\$15,600.00) from the Reserve Account to the Personnel Expense Account.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of Fifteen Thousand Six Hundred Dollars and Zero Cents (\$15,600.00) from the Reserve Account to the Personnel Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Transfer the sum of Seven Thousand Six Hundred Fifty Dollars (\$7,650.00) from the Reserve Account to the Various payroll Accounts.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of Seven Thousand Six Hundred Fifty Dollars (\$7,650.00) from the Reserve Account to the Various payroll Accounts.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Transfer the sum of Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) from the Excess Worker's Comp Account to the FICA Expense Account.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of Three Hundred Fifty Thousand Dollars and Zero Cents (\$350,000.00) from the Excess Worker's Comp Account to the FICA Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Transfer the sum of One Hundred Eighteen Thousand Dollars and Zero Cents (\$118,000.00) from ISD Payroll Account to Street Light Expense Account,

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of One Hundred Eighteen Thousand Dollars and Zero Cents (\$118,000.00) from ISD Payroll Account to Street Light Expense Account,**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Transfer the sum of Seventy Seven Thousand Dollars and Zero Cents (\$77,000.00) from ISD Payroll Account to ISD Expense Account.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of Seventy Seven Thousand Dollars and Zero Cents (\$77,000.00) from ISD Payroll Account to ISD Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Transfer the sum of One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00) from ISD Payroll Account to ISD Expense Account.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of One Hundred Ten Thousand Dollars and Zero Cents (\$110,000.00) from ISD Payroll Account to ISD Expense Account.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**



Transfer the sum of Four Thousand Five Hundred Dollars and Zero Cents (\$4,500.00) from Care of Dogs Payroll to Parking Payroll.

**Councilor Net attached the following Emergency Preamble:**

**WHEREAS, An Emergency relative to a financial transfer in the amount of Four Thousand Five Hundred Dollars and Zero Cents (\$4,500.00) from Care of Dogs Payroll to Parking Payroll.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Certify as an "Available Fund" the amount of Twelve Thousand Dollars and Zero Cents (\$12,000.00) as amended to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 Traffic Enforcement Grant-Mobilization #1-4. Grant period 5/1/16 – 9/5/16.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the amount of Twelve Thousand Dollars and Zero Cents (\$12,000.00) as amended to the City of Lynn Police Department by the Executive Office of Public Safety and Security (EPS) for the FY16 Traffic Enforcement Grant-Mobilization #1-4. Grant period 5/1/16 – 9/5/16.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis Net absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Certify as an "Available Fund" the additional amount of Sixty Four Thousand Two Hundred Twenty Five Dollars and Zero Cents (\$64,225.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs to fund a grant initiative to renovate the small commons. Grant period 6/17/16 – 6/30/16.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order certifying as an "Available Fund" the additional amount of Sixty Four Thousand Two Hundred Twenty Five**

**Dollars and Zero Cents (\$64,225.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs to fund a grant initiative to renovate the small commons. Grant period 6/17/16 – 6/30/16. THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following ye and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Certify as an “Available Fund” the amount of One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY17 Tobacco Grant. Grant period 7/1/16 – 6/30/17.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to a financial order certifying as an “Available Fund” the amount of One Hundred Seventy Thousand Dollars and Zero Cents (\$170,000.00) as allotted to the City of Lynn Health Department by the Department of Public Health (DPH) to fund the FY17 Tobacco Grant. Grant period 7/1/16 – 6/30/17.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following ye and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

Ordered that the Mayor be authorized to execute all necessary documents, agreements, applications and contracts of securing a PARC Grant in the amount of \$580,000.00 for the construction, design of improvements to the Large Lynn Commons to the west of the Frederick Douglass Bandstand.

**Councillor Net attached the following Emergency Preamble:**

**WHEREAS, A Special Emergency exists involving the peace, health and safety of the people or their property in the City of Lynn.**

**WHEREAS, An Emergency relative to an Order that the Mayor be authorized to execute all necessary documents, agreements, applications and contracts of securing a PARC Grant in the amount of \$580,000.00 for the construction, design of improvements to the Large Lynn Commons to the west of the Frederick Douglass Bandstand.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**Emergency Order was then adopted by the following yea and nay vote:**

**10 YES 0 NO (Councilor Chakoutis absent at vote).**

**REPORT ACCEPTED.**

**Motion made by Councillor Colucci and seconded by Councillor Trahan to adjourn.**

**Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.**

**A True Copy Attest:**

**CITY CLERK**